

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL NO. 1456
LITIGATION) Civil Action No. 01-12257-PBS
)
THIS DOCUMENT RELATES TO) Hon. Patti B. Saris
01-CV-12257-PBS AND 01-CV-339)
)

MOTION FOR LEAVE TO FILE UNDER SEAL

Johnson & Johnson, Ortho Biotech Products, L.P., and Centocor, Inc. (the “J&J Defendants”), by their attorneys, respectfully move this Court for leave to file the following documents under seal:

1. The Johnson & Johnson Defendants’ Memorandum in Support of their Motion for Summary Judgment as to Class 1 and Class 2;
2. Declaration of Thomas C. Hiriak in Support of the Johnson & Johnson Defendants’ Motion for Summary Judgment as to Class 1 and Class 2;
3. Declaration of John Hoffman in Support of the Johnson & Johnson Defendants’ Motion for Summary Judgment as to Class 1 and Class 2;
4. Declaration of Jayson S. Dukes in Support of the Johnson & Johnson Defendants’ Motion for Summary Judgment as to Class 1 and Class 2;
5. The Johnson & Johnson Defendants’ Local Rule 56.1 Statement in Support of their Motion for Summary Judgment as to Class 1 and Class 2;
6. Declaration of Andrew D. Schau in Support of the Johnson & Johnson Defendants’ Motion for Summary Judgment as to Class 1 and Class 2

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the “MDL Protective Order”), the parties in the above captioned cases have designated many documents and other information produced in these cases as either “CONFIDENTIAL” or “HIGHLY

CONFIDENTIAL.” The above-listed documents incorporate—either directly or indirectly—information that has been designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL.” In particular, the Memorandum of Law cite extensively to the depositions of class representative, Larry Young, on behalf of the Estate of Patricia Young, whose deposition testimony was designated by plaintiffs’ counsel as “HIGHLY CONFIDENTIAL.” In addition, the Memorandum of Law, and each of the other above-listed documents, attach or reference discovery materials that the Johnson & Johnson Defendants designated as “HIGHLY CONFIDENTIAL.” Pursuant to paragraph 15 of the MDL Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

WHEREFORE, the Johnson & Johnson Defendants respectfully request that this Court grant it leave them leave to file the above-listed documents under seal.

Dated: March 15, 2006

/s/ William F. Cavanaugh, Jr.

William F. Cavanaugh, Jr.

Andrew D. Schau

Erik Haas

Adeel A. Mangi

Mark G. Young

Niraj Parekh

PATTERSON BELKNAP WEBB & TYLER LLP

1133 Avenue of the Americas

New York, New York 10036-6710

(212) 336-2000

Attorneys for Johnson & Johnson, Ortho Biotech Products, L.P., and Centocor, Inc.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs consent to this motion.

/s/ Andrew D. Schau
Andrew D. Schau

CERTIFICATE OF SERVICE

I certify that on March 15, 2006 a true and correct copy of the foregoing motion was served on all counsel via Lexis/Nexis.

/s/ Andrew D. Schau
Andrew D. Schau